

MEMO ENDORSED

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November 5, 2012

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BY FAX

Hon. Cathy Seibel
United States District Court
Southern District of New York
The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse
300 Quarropas Street, Room 621
White Plains, NY 10601-4150

Re: *Ryder v. True Value Hardware, Inc. et al.*, No. 7:12-cv-06875 (CS)

Dear Judge Seibel:

On behalf of Defendant Microchip Technology Inc. ("Microchip"), we have requested a pre-motion conference so that Microchip may move to dismiss Plaintiff's claims with respect to Microchip for failure to state a claim upon which relief can be granted. As explained in our letter of October 8, 2012, each claim against Microchip is premised on Microchip's having manufactured the subject unit's primary operating chip, but the Complaint itself specifically alleges that the defective chip was likely a counterfeit. The requested pre-motion conference has been scheduled by Your Honor for November 14.

On October 4, Defendant Lux Products, Inc. ("Lux") filed a cross-claim against Microchip and other co-Defendants that is entirely derivative of Plaintiff's underlying claims as stated in the Complaint. Lux Cross-Claim ¶ 1. Although we have yet to be served by Lux, we note that because its cross-claim is wholly contingent on Plaintiff having stated a claim, it is subject to dismissal as to Microchip for the same reasons as stated in our October 8 letter. Therefore, we respectfully request that the November 14 pre-motion conference incorporate discussion regarding Lux's cross-claim in addition to Plaintiff's Complaint.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

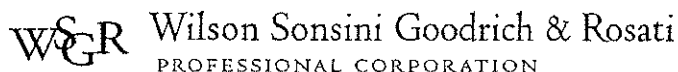
Tonia Ouellette Klausner/att
Tonia Ouellette Klausner

Application Granted + Denied
So Ordered.
Cathy Seibel
Cathy Seibel, U.S.D.J.
Dated: 11/5/12
Lux to state
its position
by letter
not to
exceed 3
pages by
11/9/12.

Wilson Sonsini Goodrich & Rosati
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cc: Mr. Chris Ryder, pro se
All counsel of record
(both by fax and U.S. Mail)



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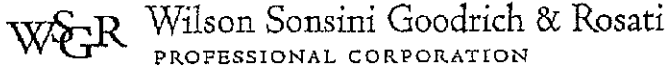
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